THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.18029 OF 2004

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DATE: 15th JUNE 2006

Between:

1. M.Gnaneshwar, s/o M.Ramaiah,

aged 50 years, Occu: business,

R/o H.No.16-2-146/29/2, Akbar Bagh,

New Malakpet, Hyderabad

And 9 others.

…. Petitioner.

And

The Agriculture Market Committee,

Hyderabad, rep. By its Secretary cum

Person-in-charge, office at New

Osmangunj, Hyderabad.

…. Respondent.

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ORDER:

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This writ petition is filed seeking a writ of Mandamus declaring the action of the respondent in refusing to consider the applications filed by the petitioners for allotment of shops at Gaddiannaram Market Yard, as arbitrary and illegal; and

consequently to direct the respondent to consider the case of the petitioners for allotment of shops at Gaddiannaram Market Yard.

2. It is the case of the petitioners that the Agricultural Market Committee, Hyderabad, proposed and decided to construct shops and spaces on platforms for establishing modern market in different areas, for business transactions in their markets at Gaddiannaram and a notification has been issued by the Market Committee dated 06.03.2002 inviting applications from the traders and commission agents for allotment of proposed shops on lease/outright sale basis. The petitioners also responded to the said notification and applied for allotment of shops and open spaces duly paying requisite deposit along with their applications. Subsequently, the respondent withdrew the said notification. Questioning the same, several writ petitions were filed. In the said writ petitions it was the case of the respondents some existing licence holders approached this Court and filed W.P.No.5074 of 2002, and this Court, by an order dated 25.11.2002 directed the respondents to consider the claims of the existing licence holders under the provisions of the A.P. (Agricultural Produce and Live Stock) Markets Act, 1966, on priority basis. Therefore, the impugned notification dated 06.03.2002 was issued withdrawing the earlier notification. While disposing of the said writ petition it was brought to the notice of the Court that even among the petitioners therein some of them were existing licence holders. Therefore, it was directed that the respondents to consider the claims of the existing licensees, among the writ petitioners therein, along with other licence holders, on priority basis. Thereafter, another writ petition No.8353 of 2004 was also disposed of. In that writ petition also the Market Committee was directed to consider the cases of the existing licence holders among the writ petitioners along with other similarly placed licence holders on priority basis. Therefore, the licensees are also entitled for fresh consideration.

3. On the other hand it is the submission of the learned counsel for the petitioners that in the notification issued, there is no embargo for the freshers to apply for allotment of shops and that there are number of shops lying vacant and many of the existing licensees did not come forward for taking of the shops.

4. Learned counsel for the respondent states that in light of the earlier judgments the cases of existing licensees alone can be considered in view of limited number of shops constructed.

5. In view of the above backdrop, without expressing any opinion on merits of the case, the writ petition is disposed of directing the respondent to consider the applications of the petitioners for allotment of the shops after considering the case of the existing licence holders as per law, if the petitioners, pursuant to the notification issued by the respondent calling for applications from freshers, submitted their applications.

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C.V.RAMULU, J.

Date: 15th June 2006.

BSB